

SENATE BILL NO. 496

INTRODUCED BY COONEY

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A BILL FOR AN ACT ENTITLED: "AN ACT ENHANCING STATEWIDE DRIVER EDUCATION PROGRAMS FOR NOVICE AND SENIOR DRIVERS; CREATING AN ACCOUNT FOR A SENIOR TRAFFIC EDUCATION PROGRAM; ADJUSTING DRIVER'S LICENSE, DUPLICATE DRIVER'S LICENSE, AND IDENTIFICATION CARD FEES TO FUND THE PROGRAMS; ALLOCATING FEES TO FUND THE PROGRAMS; ~~AND~~ AMENDING SECTIONS 61-5-111, 61-5-114, AND 61-12-504, MCA; AND PROVIDING A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. State senior traffic education account -- proceeds earmarked for account -- transmittal.** (1) There is a senior traffic education account in the state special revenue fund.

(2) When a county is required to transmit fees directly to the department of revenue, the gross proceeds, including the portion of the fees to be credited to the senior traffic education account, must be transmitted to the department of revenue and the appropriate portion must be deposited in the senior traffic education account.

(3) MONEY IN THE ACCOUNT MAY INCLUDE MONEY FROM GRANTS, GIFTS, OR DONATIONS AND INTEREST EARNED ON THE ACCOUNT.

NEW SECTION. **Section 2. Annual allocation and distribution of senior traffic education account proceeds.** (1) Subject to subsection (2), the department shall use the money in the senior traffic education account to contract for approved senior traffic education courses.

(2) The department may use the funds in the account to administer the statewide senior traffic education program for eligible senior drivers. The administrative costs may include:

- (a) supervision and assessment of approved senior traffic education courses;
- (b) training for teachers of senior traffic education;
- (c) development, printing, and distribution of instructional materials for senior traffic education; and
- (d) any other activities considered necessary by the department to support traffic education for eligible senior drivers.



1 **Section 3.** Section 61-5-111, MCA, is amended to read:

2 **"61-5-111. Contents of a driver's license, renewal, renewal by mail, license expirations, grace**
3 **period, and fees for licenses, permits, and endorsements -- notice of expiration.** (1) The department may
4 appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts.
5 The department shall adopt necessary rules governing sales. In areas in which the department provides driver
6 licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint
7 an agent to sell receipts.

8 (2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a
9 driver's license to each qualifying applicant. The license must contain:

10 (i) a full-face photograph of the licensee in the size and form prescribed by the department;

11 (ii) a distinguishing number issued to the licensee;

12 (iii) the full legal name, date of birth, Montana mailing address, and a brief description of the licensee;

13 and

14 (iv) either the licensee's customary signature or a digital reproduction of the licensee's customary
15 signature.

16 (b) The department may not use the licensee's social security number as the distinguishing number
17 unless the licensee expressly authorizes the use. A license is not valid until it is signed by the licensee.

18 (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records
19 check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's
20 eyesight. The department may also require the applicant to submit to a knowledge and skills test if:

21 (i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may
22 impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle
23 on the highway; and

24 (ii) the expired or expiring license does not include adaptive equipment or operational restrictions
25 appropriate to the applicant's functional abilities; or

26 (iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

27 (b) In the case of a commercial driver's license, the department shall, if the information was not provided
28 in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the
29 applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately
30 preceding the date of the renewal application and may also require that the applicant successfully complete a

1 written examination as required by federal regulations.

2 (c) A person is considered to have applied for renewal of a Montana driver's license if the application
3 is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in
4 subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's
5 examination station.

6 (d) (i) A person may renew a driver's license by mail if the person certifies that the person is temporarily
7 out of state and will not be returning to the state prior to the expiration of the license.

8 (ii) An applicant who renews a driver's license by mail shall submit to the department an approved vision
9 examination and a medical evaluation from a licensed physician in addition to the fees required for renewal.

10 (iii) If the department does not have a digitized photograph or signature record of the renewal applicant
11 from the expiring license, then the department may require the renewal applicant to submit a personal
12 photograph and signature that meets the requirements prescribed by the department.

13 (iv) The term of a license renewed by mail is 4 years, and a person may not renew by mail for
14 consecutive license terms.

15 (v) The department may not renew a license by mail if the records check conducted in accordance with
16 61-5-110(1) shows an ineligible license status for the applicant.

17 (e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than
18 30 days prior to the expiration date of a driver's license. The department shall mail the notice to the Montana
19 mailing address shown on the driver's license unless the licensee has submitted a change of address as
20 required by 61-5-115.

21 (4) (a) Except as provided in subsections (4)(b) and (4)(c), a license expires on the anniversary of the
22 licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs
23 first.

24 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
25 licensee's birthday 4 years or less after the date of issue.

26 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

27 (5) Whenever the department issues an original license to a person under the age of 18 years, the
28 license must be designated and clearly marked as a "provisional license". Any license designated and marked
29 as provisional may be suspended by the department for a period of not more than 12 months when its records
30 disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless or negligent

1 driving.

2 (6) Fees for driver's licenses are:

3 (a) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

4 (b) motorcycle endorsement -- 50 cents a year or fraction of a year;

5 (c) commercial driver's license:

6 (i) interstate -- \$5 a year or fraction of a year;

7 (ii) intrastate -- \$3.50 a year or fraction of a year;

8 (d) renewal notice -- 50 cents;

9 (e) for each license, driver's safety education -- \$6, to be deposited in the account provided in 20-7-504.

10 DISTRIBUTED AS FOLLOWS:

11 (i) \$4.80 OF THE FEE MUST BE DEPOSITED IN THE STATE TRAFFIC EDUCATION ACCOUNT PROVIDED IN 20-7-504;

12 AND

13 (ii) \$1.20 OF THE FEE MUST BE DEPOSITED IN THE STATE SENIOR TRAFFIC EDUCATION ACCOUNT PROVIDED IN

14 [SECTION 1].

15 (7) Upon receipt of notice from another jurisdiction that a person licensed under this chapter has
 16 surrendered a Montana driver's license to that jurisdiction, the department shall change the license status on
 17 the person's official driver record to "inactive". If the person returns to Montana prior to the expiration of the
 18 previously surrendered license, the department may reactivate the license for the remainder of the license term."

19

20 **Section 4.** Section 61-5-114, MCA, is amended to read:

21 **"61-5-114. Duplicate licenses.** If an instruction permit or driver's license issued under the provisions
 22 of this chapter is lost or destroyed, the person to whom it was issued may, upon the payment of a fee of ~~\$40~~ \$20,
 23 obtain a duplicate or substitute permit or license, upon furnishing proof satisfactory to the department that the
 24 permit or license has been lost or destroyed. The fee of \$20 for a duplicate driver's license issued pursuant to
 25 this part must be collected and distributed as follows:

26 (1) \$10 of the fee from each duplicate driver's license must be deposited in the general fund AS
 27 PROVIDED IN 61-5-121;

28 (2) \$8 of the fee from each duplicate driver's license must be deposited in the state traffic education
 29 account as provided in 20-7-504; and

30 (3) \$2 of the fee from each duplicate driver's license must be deposited in the state senior traffic

1 education account as provided in [section 1]."

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3 **Section 5.** Section 61-12-504, MCA, is amended to read:

4 **"61-12-504. Fees for identification cards.** (1) Fees not in excess of ~~\$8~~ \$14 for identification cards
5 issued pursuant to this part must be collected and ~~deposited in the general fund.~~ distributed as follows:

6 (a) \$8 of the fee from each identification card must be deposited in the general fund:

7 (b) \$4.80 of the fee from each identification card must be deposited in the state traffic education account
8 as provided in 20-7-504;

9 (c) \$1.20 of the fee from each identification card must be deposited in the state senior traffic education
10 account as provided in [section 1].

11 (2) A person with a disability, as defined in 39-30-103, may obtain a free identification card. An
12 individual discharged from any correctional facility must be furnished a free identification card upon release,
13 discharge, or parole.

14 ~~(2)~~(3) Each identification card expires on the anniversary of the date of birth of the holder 4 years after
15 the date of issue."

16

17 NEW SECTION. Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified
18 as an integral part of Title 61, chapter 2, part 3, and the provisions of Title 61, chapter 2, part 3, apply to [sections
19 1 and 2].

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21 NEW SECTION. SECTION 7. TERMINATION. [THIS ACT] TERMINATES OCTOBER 1, 2007.

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